



TOWN OF LOOMIS
ACTION MINUTES
REGULAR MEETING OF
LOOMIS TOWN COUNCIL
LOOMIS TOWN HALL,
6140 HORSESHOE BAR ROAD, SUITE K
LOOMIS, CA 95650

TUESDAY

AUGUST 8, 2006

7:00 P.M.

CLOSED SESSION – Pursuant to cited authority, the Town Council will hold a closed session to discuss the following listed items. A report of any action taken will be presented prior to adjournment of the regular meeting.

a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (a) of Section 54956.9:
Bickford Ranch Heritage Coalition v. County of Placer
Placer County Case No. SCV 12793

b. CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

Pursuant to Section 54956.9 of the Government Code
Property: APN 043-014-019 (corporation yard property)
Agency Negotiator: Perry Beck, Town Manager
Under Negotiation: price and terms
And
Property: APN 045-061-001 (6002 Brace Road)
Agency Negotiator: Perry Beck, Town Manager
Under Negotiation: price and terms

c. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision Section 54956.9: Three potential cases

TUESDAY

AUGUST 8, 2006

7:30 P.M.

CALL TO ORDER

Call to order by Mayor Morillas at 7:43 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Mayor Morillas
Councilmember Fuson
Councilmember Millward
Councilmember Scherer
Councilmember Ucovich

Absent: None

STATEMENT OF ACTION TAKEN DURING CLOSED SESSION

- a. No action.
- b. No action.
- c. No action.

MATTERS OF INTEREST TO COUNCILMEMBERS

Councilmember Millward stated the following:

- he put an article in the newspaper regarding sex offenders and received a good response
- asked to have a special meeting on August 22, 2006 on this matter

Councilmember Ucovich thanked Public Works for paving the street between Christensen's and US Bank.

All items on the agenda will be open for public comment before final action is taken. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a five-minute time limit. The Mayor has the discretion of limiting the total discussion time for an item.

Written Material Introduced Into the Record: Citizens wishing to introduce written material into the record at the public hearing on any item are requested to provide a copy of the written material to the Town Clerk prior to the public hearing date so that the material may be distributed to the Town Council prior to the public hearing.

PUBLIC COMMENT: This time is reserved for those in the audience who wish to address the Town Council on subjects that are not on the Agenda. The audience should be aware that the Council may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on the next available agenda. **Please note that comments from the public will also be taken on any item on the agenda. The time allotted to each speaker is five minutes.**

Anna Nakashoji, 3899 Martin Lane, stated the following:

- asked Council to re-consider the approval of the four-way stop on Brace Road/Howard Lane and consider law enforcement instead
- questioned why Council didn't go with the recommendation from the study
- the other side of the freeway on Brace Road should also be considered because of the traffic and all the residents on Brace Road should be notified

Conrad Woodall, 3640 Taylor Road, expounded on statistics for sex offenders and stated the following:

- retired Sacramento police officer and owner of Woodall Self Defense and Fitness in Loomis
- the Town should limit sexual offenders on school campuses for various events
- the Town should limit sexual offenders from attracting children to their house by passing out Halloween candy, Easter events and dressing up in Santa suits
- he supports an ordinance limiting sex offenders in the Town

Council agreed to have a special meeting regarding an ordinance for sex offenders on August 22, 2006 at 7:00 p.m. at Loomis Town Hall.

Mayor Morillas asked Mr. Woodall if he would come back on August 22nd when they address the issues discussed tonight.

Madeline Coles, 5470 Brace Road, stated the following:

- she attended all the meetings regarding Brace Road and after the study Council approved a four-way stop sign on Brace Road/Howard Lane
- anyone could have come and gave their input on this subject
- the Town has only one Sheriff on duty and he can't be watching just Brace Road all the time

Bill Winslow, No Name Lane, stated the following:

- asked Council to consider the parks and schools as a prime place that sex offenders will use for initial contact
- he attended the Council workshop with the Planning Commission and heard great comments and ideas but noted a lot of discourse between the Council
- we should not allow walls to go up with new development

Nancy Beck, 6304 David Avenue, stated the following:

- regarding sex offenders, the back field at Del Oro High School is a concern for young girls
- the Town needs to have 1000 feet limit for sexual offenders

Cheryl Benson, 5515 Brace Road, stated the following regarding trees:

- a developer almost cut a tree down on her property
- she drove by Diamond Oaks Golf Course and noticed that the development there was built around the oak trees
- The Town is letting developers cut too many trees down to build their huge houses

Bob Martin, 5296 No Name Lane, stated the following:

- supports an ordinance to protect our children against sex offenders
- asked Council not to allow trees to be cut in order to maintain our quality of life

Mike Carroll, 5471 Myrtle Drive, stated the following:

- supports an ordinance for sex offenders
- agrees with what has been previously said and asked why the Town is allowing all the development that is going on
- he does not want any changes, they do not need to become a bigger community
- once a tree is gone and our small community is gone we won't be able to get it back

Richard Carey, 5435 Myrtle Drive, asked Council to stop development to keep Loomis rural.

Mayor Morillas suggested re-visiting the Brace Road issue on the next meeting in September to look at the street as a whole, for safety issues.

Councilmember Scherer noted that the Town doesn't have a tree replacement program and asked to have on the next agenda a discussion on ways that the trees can be preserved and not cut down.

ADOPTION OF AGENDA

A motion was made to adopt the Agenda. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

OPPORTUNITY TO COMMENT ON CONSENT CALENDAR: All items listed under the Consent Agenda are considered by the Council to be routine in nature and will be enacted by one motion unless an audience member or Councilmember requests otherwise, in which case, the item will be removed for separate consideration.

A motion was made to adopt the Consent Agenda pulling item 10 forward for discussion. On motion by Councilmember Ucovich, seconded by Councilmember Fuson and passed by voice vote.

CONSENT AGENDA

RECOMMENDED ACTION

- | | |
|--|--|
| 1. Council Minutes – 7/11/06, 7/27/06 | <i>APPROVE</i> |
| 2. Monthly Check Register – July | <i>RECEIVE AND FILE</i> |
| 3. Statement of Activity | <i>RECEIVE AND FILE</i> |
| 4. Treasurer's Report | <i>RECEIVE AND FILE</i> |
| 5. Planning Status Report | <i>RECEIVE AND FILE</i> |
| 6. Select Projects Update | <i>RECEIVE AND FILE</i> |
| 7. Appoint Mayor Pro Tempore Millward as Voting Delegate For the League of California Cities Annual Conference On September 6 th – 9 th and Councilmember Ucovich as Alternate | <i>APPROVE</i> |
| 8. A Resolution of the Town Council of the Town of Loomis Declaring Support For State of California Propositions 1A And 1B On the November 2006 Ballot | <i>ADOPT RESOLUTION</i>
<i>Resolution 06-29</i> |
| 9. Second Reading of an Ordinance of the Town Council of The Town of Loomis Allowing Compact Parking Spaces | <i>ADOPT ORDINANCE</i>
<i>Ordinance 229</i> |
| 11. Approve Memorandum Of Understanding For Transit Services With The Town of Loomis and Placer County For 2006/07 Fiscal Year | <i>APPROVE</i> |

CONSENT ITEMS FORWARDED

- | | |
|---|----------------|
| 10. Approve Improvement Plans for The Circle Drive Improvement Project With The Findings That the Project is Exempt Under CEQA Categories 15301 & 15302 And Authorize Staff to Advertise For Bids | <i>APPROVE</i> |
|---|----------------|

Councilmember Ucovich asked about the financing for this project.

Brian Frাগiao, Town Engineer/Public Works Director, stated there were three funding sources: Gas Tax – \$120, 000, Prop 42 – 46,000, and another Local Transportation fund - \$400,000 TDA funds.

Following further discussion on the matter, a motion was made to approve the improvement plans for the Circle Drive Improvement Project with the findings that the project is exempt under CEQA categories 15301 & 15302 and authorize staff to advertise for bids. On motion by Councilmember Scherer, seconded by Councilmember Fuson and passed by voice vote.

PUBLIC HEARING

12. Zoning Ordinance Revisions for Entire Town on Processing of New Second Story Homes and Additions (Continued from July 11, 2006)

Consider draft Zoning Ordinance revisions that would provide some criteria and/or Discretionary review of second story additions and new two story homes and accessory structures

Recommended action: Continue to August 8, 2006 receive a written report from the Planning Commission on the second story home processing ordinance and discussing procedure for handling this item with Planning Commission on July 18, 2006 at the joint quarterly meeting

Public comment:

Cheryl Benson stated the following:

- for 10,000 square feet or under you have to pay for design review and if it is over 10,000 square feet you don't
- It should be the same for all

Bob Martin stated the following:

- allowing two stories to existing homes should not be allowed
- it will be invading your neighbors privacy

Nancy Beck stated the following:

- in new subdivision you shouldn't have two story homes next to existing single family homes
- for existing homes that want to add a second story it should be only under certain circumstances and if it is compatible to the surrounding neighbors
- she has a concern with the No Name Lane development because Dunmore built homes in Sunrise Loomis and there have been drainage problems there

Madeline Coles stated the following:

- opposed to having second stories
- understood Dave Hood's project was going to be single story homes next to existing single story homes
- now understand there are two story homes going in

Kathy Kerdus, Town Planner, noted the two back houses will be two story.

Jean Wilson, Planning Commissioner, explained how the Planning Commission considered the two ordinances and how they came up with their recommendation to the Council.

Pat Miller, 4395 Gold Trail Way, stated the following:

- what it comes down to is privacy and scale regarding two story homes
- in some areas, on an individual basis, it may be entirely appropriate to have a two story

Larry Halverson, 3673 Frost Lane, stated the following:

- he lives in a rural residential area where there is a mix of homes – single story and two story homes
- consideration should be given for homes that live in a mix area and for homes in a mix area that have nowhere else to go but up

Greg Obranovich, 3661 Bankhead Road, stated the following:

- concerned that the ordinance may be too restrictive
- it may eliminate someone with special needs to build a second story
- there are circumstances where it would be appropriate to have a second story and there are ways you can do it by avoiding the issue of privacy

Richard Carey stated that new subdivisions should not be allowed to build second story homes next to existing single story homes.

Following further discussion on the matter, Council held first reading (using Councilmember Scherer's example ordinance) on Ordinance 230, dealing with second stories and with the following amendments to the ordinance:

Section 13.42.265 Residential uses – Second Stories

- A. No changes.
- B. Deleted.
- C. Take out the word "No" in the first sentence. Delete the last sentence and add: "Second story residents shall not predominate in any new development."
- D. Correct tow-story to "two-story"
- E. No changes.
- F. "Use Permit Determination" changed to "Standards." The word "meaningfully" changed to "permanently."
- G. Add: A site picture (can be computer generated) must be included.

On motion by Councilmember Millward, seconded by Councilmember Scherer and passed by the following roll call vote:

Ayes: Fuson, Millward, Morillas, Scherer, Ucovich

Noes: None

Recess at 9:35 p.m. to 9:45 p.m.

13. **Heritage Park Estates Subdivision Phase 2 Maintenance District**

Consider resolution providing for levy of the expenses of maintaining and operating certain Improvements assessed upon real property, Heritage Park Estates Subdivision Phase 2 Maintenance District

Recommended action: Adopt resolution

Public comment:

Due to conflict of interest Councilmember Millward left the table.

No public comment.

Following further discussion on the matter, a motion was made to adopt Resolution 06-30, providing the levy of the expenses of maintaining and operating certain improvements assessed upon real property Heritage Park Estates Phases 1,2 & 3 Subdivision Maintenance District. On motion by Councilmember Fuson, seconded by Councilmember Ucovich and passed by the following roll call vote:

Ayes: Fuson, Morillas, Scherer, Ucovich

Noes: None

Abstained: Millward

BUSINESS

Councilmember Millward returned to the table.

14. **House Equity Sharing Program**

Councilmember Scherer would like the Council to consider instituting a housing equity sharing program as a financial tool to help provide low income housing in Loomis

Recommended action: Discuss and direct if staff should research and prepare the paperwork needed to implement a home owner equity sharing program

Public comment:

No public comment.

Following further discussion on the matter, Council directed staff to come back with more information.

15. **Service Fees** (Continued from July 11, 2006)

Consider resolution and accompanying papers prepared to consolidate the service fees adopted in December 2005 and adopt those the Council reviewed at the April Council meeting

Recommended action: Adopt resolution consolidating and setting service fees

Public comment:

No public comment.

Following further discussion on the matter, a motion was made to adopt Resolution 06-31, revising fees for Planning, Public Works and general Administrative Services. On motion by Councilmember Ucovich, seconded by Councilmember Millward and passed by the following roll call vote:

Ayes: Fuson, Millward, Morillas, Scherer, Ucovich

Noes: None

16. **Hazardous Material Stored In Flood Plains**

Discuss a change in the General Plan to allow certain types of buildings in flood plain areas in certain zones and insure that hazardous material storage is regulated

Recommended action: Direct staff to amend the Flood Plain Ordinance to specifically regulate hazardous materials as recommended by the Public Works Director/Engineer

Public comment:

No public comment.

Following further discussion on the matter, Council directed staff to come up with standards for flood zone areas and bring this back to the next meeting.

17. **Grading Ordinance Review**

Consider review of the ordinance to insure that minimal grading approaches could be used in development projects

Recommended action: Discuss and direct staff

Public comment:

Cheryl Benson stated the following:

- grading should be done to the natural contour of the land
- a developer has created two ditches on both side and brought in a lot of dirt just to get a different elevation

Pat Miller stated the following:

- the Town needs to respect the natural topography
- the project should fit the site rather than the site fit the project

Following further discussion on the matter, Council directed staff to add to Section 12.04.160 C a number eight, referencing the goals and policies of the General Plan and to come back for final approval.

18. **League of California Cities Annual Conference Resolutions**

The League of California Cities asks that member agencies give direction to voting delegates on the resolutions to be considered at the 2006 convention

Recommended action: Discuss and direct staff

Public comment:

No public comment.

The Council consensus was to have Councilmember Millward as the voting delegate and Councilmember Ucovich as the alternate for the League of California Cities Annual conference.

19. **Council Operating Procedures**

Mayor Morillas asked that Council reacquaint themselves with the operating procedures that the Town had implemented in 1992

Recommended action: Discuss and direct staff

Public comment:

No public comment.

Mayor Morillas asked Council to re-acquaint themselves with the Standard Operating Procedures and to be aware of how their actions appear to the public.

Received and filed.

20. **Planning Commission Process for Recommendations to Council**

Councilmembers Millward and Scherer have asked to consider changes in the Municipal Code concerning the process used by the Planning Commission to make recommendations on changes to the General Plan, Zoning Code and Municipal Code

Recommended action: Discuss and determine changes, if any, that the Council wishes to make. Changes will be set out in an ordinance that will be introduced in September

Public comment:

No public comment.

Following further discussion on the matter, Council agreed to continue this to next month.

21. **Future Agenda Items**

Consider items awaiting schedule on a Council agenda

Recommended action: Receive and file

Public comment:

No public comment.

Councilmember Millward handed out information on granite commemorative benches from High Hand Nursery and answered questions.

COMMITTEE REPORTS

- 22. Placer County Economic Development Commission – Ucovich
- 23. Placer County Flood Control/Water Conservation District – Morillas
- 24. Placer County Transportation Planning Agency – Ucovich
- 25. Placer County Mosquito Abatement – Ucovich
- 26. Placer County Air Pollution Control District – Millward/Ucovich
- 27. Sacramento Area Council of Governments – Fuson/Ucovich

ADJOURNMENT

Mayor Morillas stated there was no further business and adjourned at 11:18 p.m.

Mayor

Town Clerk